1

MINUTES OF THE COURT OF APPEAL STATE OF CALIFORNIA THIRD APPELLATE DISTRICT

MONDAY, AUGUST 9, 1999

Juvenile In re SAYSANATH Y., a Person Coming Under the Juvenile Court Law.

No. THE PEOPLE (Not for Publication)

C031080 SAYSANATH Y.

The judgment (order committing the minor to the California Youth

Authority) is affirmed.

DAVIS, J.

We concur: SCOTLAND, P.J.

NICHOLSON, J.

Juvenile ALFRED H. (Not for Publication)

No. v.

C032753 SUPERIOR COURT OF SHASTA COUNTY

DEPARTMENT OF SOCIAL SERVICES et al.

The petition is denied.

SCOTLAND, P.J.

We concur: HULL, J.

KOLKEY, J.

MONDAY, AUGUST 9, 1999 CONTINUED

Crim. THE PEOPLE

No. v.

C029906 BRETT SPENCER GRANT

BY THE COURT:

On the court's own motion the opinion filed on June 7, 1999, is vacated, and the appeal is reinstated. The clerk of the court is directed to

re-file the opinion concurrently with this order.

Dated: August 9, 1999

BLEASE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C029906 BRETT SPENCER GRANT

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.

MORRISON, J.

Juvenile In re CARL C., a Person Coming Under the Juvenile Court Law.

No. THE PEOPLE (Not for Publication)

C030642 v.

CARL C.

The finding the minor committed theft, count II, is dismissed and the juvenile court is directed to amend its records to so reflect. In all other respects, the findings and orders of the court are affirmed.

DAVIS, J.

We concur: SCOTLAND, P.J.

NICHOLSON, J.

MONDAY, AUGUST 9, 1999 CONTINUED

Civil In re the Marriage of DEBBIE AND JAMES SUTTON

No. DEBBIE SUTTON (Not for Publication)

C030767 v.

JAMES PRESTON SUTTON

The judgment (order) is affirmed. Wife shall receive her costs on

appeal.

SIMS, Acting P.J.

We concur: MORRISON, J.

HULL, J.

Civil STELLA BRYANT (Not for Publication)

No. v.

C027024 COUNTY OF SACRAMENTO

The appeal is dismissed as moot.

SCOTLAND, P.J.

We concur: NICHOLSON, J.

HULL, J.

WEDNESDAY, AUGUST 11, 1999

Civil PETER PATERNO et al.

No. v. (Certified for Partial Publication)

C013846 STATE OF CALIFORNIA et al.

Civil PETER PETERNO et al.

No. v.

C016505 STATE OF CALIFORNIA et al.

Civil PETERNO et al.

No. v.

C019267 STATE OF CALIFORNIA et al.

The judgment is reversed with directions to the trial court to forward this opinion to the Judicial Council for assignment of a new trial judge to oversee this coordinated proceeding. The new judge is directed to conduct further proceedings consistent with this opinion. Defendants shall recover costs on appeal.

MORRISON, J.

We concur: SIMS, Acting P.J.

CALLAHAN, J.

WEDNESDAY, AUGUST 11, 1999 CONTINUED

Civil SIERRA CLUB et al.

No. v.

C031552 COUNTY OF PLACER

TARGET STORES et al.

BY THE COURT:

Pursuant to the written request of the County of Placer, the cross-appeal filed April 7, 1999, is dismissed. It is further ordered that the remittitur, as to the cross-appeal, issue forthwith. (See Cal. Rules of Court, rule 19(b).)

The dismissal does not affect the remainder of the appeal.

Dated August 11, 1999

SCOTLAND, P.J.

Juvenile In re ROBERT R., a Person Coming Under the Juvenile Court Law.

No. SAN JAOQUIN COUNTY HUMAN SERVICES AGENCY

C031567 v. (Not for Publication)

ROBERT R.

The orders are affirmed.

KOLKEY, J.

We concur: SCOTLAND, P.J.

NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C030352 PHILLIP CHARLES COUCH

The portion of the judgment that failed to award presentence custody and conduct credits is vacated, and the matter is remanded with directions to the trial court to redetermine the amount of those credits to which defendant is entitled. In all other respects, the judgment is affirmed. The trial court shall amend the abstract of judgment and send a certified copy of the same to the department of Corrections.

CALLAHAN, J.

We concur: SIMS, Acting P.J.

RAYE, J.

WEDNESDAY, AUGUST 11, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)

No. v.

C029354 ANTHONY DELGADO

The judgment is affirmed.

CALLAHAN, J.

I concur: MORRISON, J.

I concur in the result

RAYE, Acting P.J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C028968 LONNIE LANARD JOHNSON

The judgment is affirmed.

Blease, Acting P.J.

I concur: RAYE, J.

I concur:

No reversible error occurred, however, the jury was misled. Justice is almost always better served when the jury hears the truth. (See *People v. Harris* (1998 60 Cal. App. 4^{th} 727, 733.)

MORRISON, J.

Civil JACK D. TAYLOR (Not for Publication)

No. v.

C030223 PAT L. CABEZUD

The judgment. Ms. Cabezud shall recover her costs on appeal. (Cal. Rules of Court, rule 26 (a).) Her claim for attorney fees on appeal shall be determined by motion made in the trial court under rule 870.2. (Cal. Rules of Court, rule 26 (a) (4).)

KOLKEY, J.

We concur: SIMS, Acting P.J.

MORRISON, J.

WEDNESDAY, AUGUST 11, 1999 CONITNUED

Crim. THE PEOPLE

No. v.

C028086 ALFRED ANTHONY GARCIA et al.

THE COURT:

It is ordered that the opinion filed herein on July 28, 1999, be modified in the following particulars:

. . .

There is no change in judgment.

Appellant Garcia's petition for rehearing is denied.

BY THE COURT:

SCOTLAND, P.J. BLEASE, J.

KOLKEY, J.

THURSDAY, AUGUST 12, 1999

Civil LORI LARGENT

No. v.

C030614 GOLDEN STATE COACHES, INC. et al

GREGORY LYNN FULLER

BY THE COURT:

Pursuant to the written request of the appellants, the appeal filed September 8, 1998, is dismissed only as to defendant, cross-complainant and respondent Gregory Lynn Fuller. It is further ordered that the parties bear their own costs and attorney fees on appeal and the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

The dismissal does not affect the remainder of the appeal.

Dated: August 12, 1999

SCOTLAND, P.J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C028016 MICHAEL LEON HOLMAN

The judgment is affirmed.

Morrison, j.

We concur: BLEASE, Acting P.J.

SIMS, J.

THURSDAY, AUGUST 12, 1999 CONTINUED

Juvenile In re RIVA H. et al., Persons Coming Under the Juvenile Court Law.

No. DEPARTMENT OF HEALTH AND HUMAN SERVICES et al.

C030846 v. (Not for Publication)

JACK H.

The purported appeal from the order denying reunification services is dismissed. In all other respects the orders of the juvenile court are dismissed.

MORRISON, J.

We concur: BLEASE, Acting P.J.

RAYE, J.

Juvenile In re COURTNEY R. et al.., Persons Coming Under the Juvenile Court

Law.

No. DEPARTMENT OF HEALTH AND HUMAN SERVICES

C032287 v. (Not for Publication)

LISA S.

The orders of the juvenile court are affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.

HULL, J.

Juvenile In re CARLOS G., a Person Coming Under the Juvenile Court Law.

No. DEPARTMENT OF SOCIAL SERVICES

C032139 v. (Not for Publication)

JOHN G.

The order terminating appellant's parental rights is affirmed.

MORRISON, J.

We concur: SIMS, Acting P.J.

HULL, J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C030425 MACEO MCKINNEY, JR.

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: NICHOLSON, J.

MORRISON, J.

THURSDAY, AUGUST 12, 1999 CONTINUED

Juvenile In re DAMAREA B. et al., Persons Coming Under the Juvenile Court Law.

No. SAN JAOQUIN COUNTY HUMAN SERVICES AGENCY

C032071 v. (Not for Publication)

TRACY B.

The order terminating parental rights is affirmed.

HULL, J.

We concur: KOLKEY, J.

I concur in the judgment and analysis, except as to part I in which I concur

in the result.

SCOTLAND, P.J.

Crim. THE PEOPLE (Not for Publication)

No. v.

C029023 ALBERT EARL SHAVER

The judgment is affirmed.

MORRISON, J.

We concur: SCOTLAND, P.J.

SIMS, J.

FRIDAY, AUGUST 13, 1999

Crim. THE PEOPLE (Not for Publication)

No. v.

C030169 JAIME GALINDO

The judgment is affirmed.

CALLAHAN, J.

We concur: BLEASE,

RAYE, J.

Civil In re the Marriage of CARMEN P. and DEVERE DANIEL ROBERTSON

(Not for Publication)

No. CARMEN P. ROBERTSON

V.

C029760 DEVERE DANIEL ROBERTSON

The orders appealed from is affirmed.

CALLAHAN, J.

We concur: BLEASE, Acting P.J.

RAYE, J.